

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

NATHANEAL FOUCAULT,

Defendant.

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x

CONSENT PRELIMINARY ORDER
OF FORFEITURE/
MONEY JUDGMENT

22 Cr. 514 (PGG)

WHEREAS, on or about September 27, 2022, NATHANEAL FOUCAULT (the “Defendant”), among others, was charged in four counts of a five-count Indictment, 22 Cr. 514 (PGG) (the “Indictment”), with conspiracy to commit access device fraud, in violation of Title 18, United States Code, Section 1029(b)(2) (Count One); access device fraud, in violation of Title 18, United States Code, Sections 1029(a)(5), 1029(c)(1)(A)(ii), and 2 (Count Two); aggravated identity theft, in violation of Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), and 2 (Count Four); and conspiracy to steal mail while employed as a postal employee, in violation of Title 18, United States Code, Section 371 (Count Five);

WHEREAS, the Indictment included, *inter alia*, a forfeiture allegation as to Counts One and Two of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and 1029(c)(1)(C), of any and all property constituting, or derived from, proceeds the Defendant obtained directly or indirectly, as a result of the commission of the offenses charged in Counts One and Two of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of offenses charged in Counts One and Two of the Indictment;

WHEREAS, on or about September 11, 2023, the Defendant pled guilty to Counts One and Five of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Indictment and agreed to forfeit, pursuant Title 18, United States, Section 982(a)(2)(B), a sum of money equal to \$11,803.91 in United States currency, representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$11,803.91 in United States currency, representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained, or which the Defendant is jointly and severally liable with: (i) his co-defendant Fabiola Mompoint ("Mompoint") to the extent of the forfeiture money judgment entered against Mompoint in this case; and (ii) co-defendants Johnny Damus, Rashaan Richards, Devon Richards, Conrad Heron, Louis Jeune Verly, Kareem Shepherd, and Johnathan Persaud (collectively, the "Co-defendants") to the extent forfeiture money judgments are entered against the Co-defendants in this case; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorneys Ashley C. Nicolas, Chelsea L. Scism, and Madison Reddick Smyser, of counsel, and the Defendant and his counsel, James Roth, Esq., that:

1. As a result of the offense charged in Count One of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$11,803.91 in United States

currency (the "Money Judgment"), representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained, for which the Defendant is jointly and severally liable with: Mompoint to the extent of the forfeiture money judgment entered against Mompoint in this case; and the Co-defendants, to the extent forfeiture money judgments are entered against the Co-defendants in this case, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant NATHANAEL FOUCAULT, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate

or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

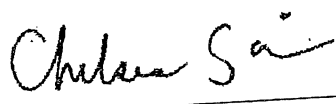
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8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: _____

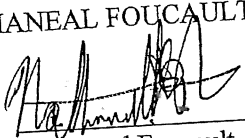

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8/8/2023

DATE



NATHANEAL FOUCAULT

By: _____


Nathaneal Foucault

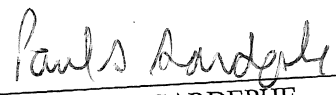
9/11/23
DATE

By: _____

 
Jeff Chabrowe, Esq. Lee Koch on
Attorney for Defendant behalf
521 Fifth Avenue 17th Floor of
New York, NY 10175

9/11/23
DATE

SO ORDERED:


HONORABLE PAUL G. GARDEPHE
UNITED STATES DISTRICT JUDGE

Nov 3 2023
DATE